

REMARKS

Claims 14-22, 27-29, 31, and 38-48 are currently pending and stand rejected. No claims are amended or cancelled herewith. The instant Response is intended to place the application in condition for allowance and not to introduce new issues or require additional searching by the Examiner.

The drawings are objected to as purportedly not showing every feature of the invention specified in the claims, in particular claim 45 in which "one of a cap-shaped member and a cup-shaped member, each having a convex inner portion disposed adjacent the means for thermally insulating" is recited. Applicants respectfully traverse the objection. That is, applicants respectfully suggest that those of skill in the art would readily appreciate the content of claim 45 and furthermore, that the recited structure is in fact depicted in FIG. 5. The objection therefore should be withdrawn.

The specification is apparently objected to as not including section headings in the written description. Applicants respectfully suggest that the suggested headings could be added at the time of, or in the event that, allowable subject matter is identified in the claims.

Claims 14-22, 27-29, 31, and 38-38 are rejected as allegedly failing to comply with the written description requirement. Applicants respectfully traverse the rejection. The claims reciting a "unitary electrode" are fully supported in the specification and drawings as originally filed. The fact that preconfigured bores, outlets, course through the electrode in way limits the fact that the electrodes are not unitary. To suggest otherwise is without support and the rejection should properly be withdrawn.

Claim 44 is rejected as allegedly being indefinite as a means plus function claim. That is the Examiner asserts that the written description fails to disclose

corresponding structure, material, or action for the claim function (i.e., for thermally insulating). Applicants respectfully suggest that the application is replete with recitations regarding the insulating material (e.g., in the drawings and written description) in one example, the phrase "thermal separation" is used described and depicted as located between the channel and the first end. Applicants thus respectfully suggest that the rejection must be withdrawn.

Applicants aver that no new matter has been introduced by way of the amendments set forth above and that the claimed subject matter is allowable over the art of record.

Claim Rejections under 35 U.S.C. §102

Claims 14-18, 22, 27-29, 31, and 38-38 stand rejected as allegedly anticipated by the '338 patent to Brucker et al. under 35 U.S.C. §102(b).

For ease of review of the independent claims (i.e., independent claims 14, 27, and 38) said claims are set forth below with certain text highlighted for ease of review by the Examiner.

Applicants respectfully assert that the '338 patent to Brucker et al. fails to meet the standard for a *prima facie* anticipation rejection and thus the rejection based solely upon Webster must be withdrawn. That is, as to the pending (rejected) claims the rejection fails meet the threshold for a *prima facie* anticipation rejection.

Since each dependent claim depends from the above independent claims Applicants respectfully request that the rejection based solely upon the '338 patent to Brucker et al. be withdrawn.

Applicants respectfully assert that the '338 patent to Brucker et al. fails to disclose or depict at least the below-highlighted claim element(s) or features and thus the rejection founded solely upon the '338 patent should properly be withdrawn. That is, the '338 patent to Brucker et al. merely describes 0.005 millimeter (mm) to 0.02 mm "randomly formed path means" (column 6, line 37-38) that cannot be redefined as a "bore" having a "fluid outlet branch" or being formed at "an angle" relative to a longitudinal axis of a catheter. Thus, the rejection founded solely on the '338 patent to Brucker et al. should be withdrawn and the rejected claims allowed to pass to timely issuance as U.S. Letters Patent.

14. A catheter comprising:

an elongate body;

a unitary electrode having at least one bore formed through the electrode, wherein the unitary electrode couples to and is disposed at a distal end portion of the elongate body;

a conductive wire extending through said elongate body and electrically coupled to said unitary electrode; and

an irrigation channel extending through said elongate body and fluidly coupled to a proximal portion of the at least one bore,

wherein said at least one bore includes at least one fluid outlet branch coupling to a lateral side of the unitary electrode and said at least one fluid outlet branch includes one of a thermally insulating interior casing and a thermally poorly conductive material disposed within said at least one branch.

27. A catheter comprising:

an elongate body;

a unitary electrode having a longitudinal axis disposed at a first end of the elongate body and having at least one outlet opening formed therethrough at an angle relative to the longitudinal axis;

at least one electrically conductive wire extending through said elongate body, said at least one electrically conductive wire coupled to said unitary electrode;

an irrigation channel extending through said elongate body and fluidly coupled to the at least one outlet opening, said channel configured to deliver a fluid through said elongated body from a remote source of fluid and into said at least one passageway; and

one of a thermally insulative material and a thermally poorly conductive material disposed to insulate at least a portion of said at least one outlet opening.

38. A method, comprising:

deploying a unitary electrode body coupled to a distal portion of an elongate flexible shaft into contact with a volume of a target tissue, wherein said unitary electrode body includes a longitudinal fluid passageway formed from a proximal end portion through to a less proximal surface portion and the fluid passageway couples to at least one outlet opening formed at an angle relative to the longitudinal fluid passageway;

measuring a temperature of said unitary electrode body with a temperature sensor coupled to the electrode body and spaced from the fluid passageway; and

dispensing fluid from a remote vessel through an irrigation channel within the elongate body fluidly coupled to said fluid passageway,

wherein at least a portion of an interior surface of said at least one outlet opening comprises a thermally insulative material.

Rejection based on 25 U.S.C. §103

Claims 19-21 stand rejected as allegedly being unpatentable over the '338 patent to Brucker et al. in view of the '431 patent to Rydell et al. ("Rydell").

Applicants respectfully disagree and request that the rejection be withdrawn based at least in part upon the characterization of the '338 patent to Brucker et al. set forth above which is hereby incorporated by reference.

Applicants respectfully disagree and request that the rejection be withdrawn based at least in part upon the characterization of Webster set forth above which is hereby incorporated by reference. In any event, this ground of rejection has been rendered moot as the rejected claims are herewith canceled without prejudice or disclaimer so no response is required. Neither Webster nor Simpson discloses or suggests the subject matter claimed in pending claims 19 and 20 and as such they fail to posit a *prima facie* ground of rejection and the rejection should be promptly withdrawn.

Entry of the instant Amendment and Response is earnestly solicited so that the pending claims may pass to timely issuance as U.S. Letters Patent.

Respectfully submitted,

Date: 16 November 2009

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